

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
New Part 4 of the Commission's Rules)	ET Docket No. 04-35
Concerning Disruptions to Communications)	

COMMENTS OF INTELSAT GLOBAL SERVICE CORPORATION

Intelsat Global Service Corporation ("Intelsat") herein submits its comments in response to the Notice of Rulemaking ("NPRM") in the above-captioned proceeding.¹

Satellites are an important element of the national telecommunications infrastructure. In times of national crisis or disaster, satellite links will be relied on for the provision of critical communications and to facilitate the rapid response of emergency personnel. Intelsat fully understands and supports the Commission's goal of obtaining information related to satellite service disruption as a means of supporting important homeland security interests. In this time of heightened national concern for public safety, the Commission properly should focus on the reliability and security of our nation's communications networks.

To achieve these important national security goals, the NPRM proposes that satellite operators report transponder outages of 30 minutes or more.² As

¹ *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Notice of Proposed Rulemaking, 19 FCC Rcd 3373 (2004) ("NPRM").

² NPRM, 19 FCC Rcd at 3394 (¶ 43).

explained below, satellite operators already report outages on this basis annually and could do so more frequently.

The Commission further proposes, however, to require satellite operators to report outages of 30 minutes or more of any satellite link, or associated terrestrial component, that is used to provide telephony and/or paging, that potentially can affect 900,000 or more “user-minutes.”³ Intelsat agrees that requiring such reports could serve the public interest. Intelsat is concerned, however, that, as a practical matter, it is virtually impossible for satellite operators to comply with this second requirement. For the following reasons, Intelsat believes that the Commission’s goals would be better served if satellite operators’ customers, rather than satellite operators, were required to submit any outage report based on potentially affected user-minutes.

As the Commission is aware, satellite operators such as Intelsat generally provide satellite capacity to entities that utilize the capacity to provide communications services. Intelsat does not monitor what types of uses the customer makes of the capacity, or even when the capacity is in use by the customer. As such, Intelsat is not in a position to determine when an outage can affect 900,000 or more user-minutes, unless the customer provides that information to Intelsat. It is not at all clear, however, that satellite operators’ customers would be willing to share this potentially confidential information with their satellite capacity providers. If the outage reporting requirement is to be a tool that provides information critical to national security, it should be based on

³ *Id.*

actual knowledge. A satellite operator simply is not in possession of the knowledge required to prepare an outage report based on potentially affected user-minutes.

As noted above, however, satellite operators can, and already do provide outage reports based on transponder outages of 30 minutes or more. This is done annually, on a confidential basis, as part of satellite operators' annual reports. Such information could be provided by satellite operators, on a confidential basis, within a certain period of time after the outage. This would provide the Commission with more timely oversight of satellite transponder outages.

If the Commission were to require satellite operators to report transponder outages of 30 minutes or more on a more frequent basis, however, it should allow a sufficient time for the operator to prepare the outage report. The Commission proposes to require that initial satellite outages be reported within 120 minutes of the outage.⁴ Two hours, however, may not be enough time for a satellite operator to file an initial report, especially if the outage occurred overnight when only a relatively few critical technical staff is on duty. Intelsat believes that permitting an initial outage report to be filed by mid-day the following day would give the reporting entity enough time to prepare the report without undermining the Commission's national security goals.

In conclusion, Intelsat fully supports the Commission's goal of rapidly obtaining information concerning outages on the nation's communications

⁴ See NPRM, 19 FCC Rcd at 3388 (¶ 30).

systems. Intelsat suggests, however, that the outage report requirement based on potentially affected user-minutes proposed in the NPRM is not appropriate for satellite operators because they do not have the requisite knowledge to prepare such a report. Intelsat therefore suggests that any outage standard applied to satellite operators be based solely on transponder outages rather than potentially affected user-minutes. Intelsat further suggests that the Commission provide operators with a sufficient amount of time to prepare the initial outage report proposed in the NPRM.

Respectfully submitted,

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May 25, 2004